

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

KEILON MADGE,	)	
	)	
Petitioner,	)	Civil No. 20-CV-119-DGK
vs.	)	Crim. No. 16-CR-182-DGK
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**MOTION TO DISMISS PETITION WITHOUT PREJUDICE**

Comes now Petitioner, through counsel Stephen C. Moss, Federal Public Defender Office, and respectfully moves to dismiss the pending petition without prejudice pursuant to Fed. R. Civ. P. 41(a)(2).

Petitioner now moves to dismiss the pending petition. He seeks a dismissal without prejudice, the effect of which may mean that in the future he can file another motion pursuant to 28 U.S.C. § 2255 without that motion being considered a second or successive motion requiring the permission of the Eighth Circuit to proceed. Petitioner understands that even if the dismissal is ordered without prejudice, if he files a § 2255 motion in the future, the government may argue that it is a second or successive motion. Petitioner understands that this issue may have to be litigated in the event he files a § 2255 motion in the future.

Respectfully submitted,

/s/ Stephen C. Moss  
STEPHEN C. MOSS  
Federal Public Defender Office  
1000 Walnut St., Suite 600  
Kansas City, Missouri 64106  
(816) 471-8282

**CERTIFICATE OF SERVICE**

It is CERTIFIED that the foregoing was electronically filed on this 15<sup>th</sup> day of March, 2021, and that a copy was e-mailed to all parties pursuant to the ECF system.

/s/ Stephen C. Moss  
Stephen C. Moss